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10/646,012	08/22/2003	William Lee Devlin	200300047-1	8976

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

MARTINEZ, DAVID E

ART UNIT PAPER NUMBER

2181

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/646,012	Applicant(s) DEVLIN ET AL.	
	Examiner David E. Martinez	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Examiner vacates previous restriction requirement.

Specification

The disclosure is objected to because of the following informalities: The title of the invention has a typo "Comperssion" and should be amended to read "System and Method for File Compression". Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7, 8, 15 and 20, are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility.

1. With regards to claims 7 and 8, the term "wherein said receiving and said outputting are carried out concurrently" cannot be performed by the invention since the video capture device cannot output the compressed file at the same instant in time that it receives it since it must compress the file before outputting it back to the processor. It is inherent for there to be a lag and thus the outputting cannot be concurrent to the receiving.
2. With regards to claims 15 and 20, they suffer from the same deficiencies as claims 7 and 8 above and thus rejected under the same rationale.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-8, 13, 15, 16, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. With regards to claim 5, the term "wherein said file is compressed" is indefinite since it is unclear if it's referring to the file sent by the processor to the video capture device which can start off as a compressed and then be compressed again even more, or if it's referring to the file being returned from the video capture device to the processor being a compressed file, which would then fail to further limit the parent claim.

4. With regards to claims 6, it suffers from the same deficiencies as it's parent claim 5 above and thus rejected under the same rationale.

5. With regards to claim 8, it isn't clear if the applicant is trying to claim one and only one serial connection which would be a bidirectional line (thus only one device can use the bus line at one time), or one serial connection to send data from the processor to the video capture device and an additional serial connection to return compressed data from the video capture device back to the processor which would then work as two node loop where both the processor and the video capture device can send data and compressed data respectively to each other over the two different sections of the loop.

6. With regards to claim 13, the term "high speed" is a relative term which renders the claim indefinite. The term "high speed" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. "High Speed" cannot necessarily be fast enough (thus being low speed) for some of ordinary skill in the art, and it could be average speed for others.

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7. With regards to claims 15, 16, 19, and 20, they all suffer from the same deficiencies as claim 13 above because of the use of the term "high speed" and thus are rejected under the same rationale.

8. With further regards to claims 15, it also suffers from the same deficiencies as claim 8 above and thus rejected under the same rationale.

9. With further regards to claim 20, it also suffers from the same deficiencies as claim 8, above and thus rejected under the same rationale.

Due to the vagueness and a lack of clear definiteness used in the claims, the claims have been treated on their merits as best understood by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 10, 11, 13, 16, 17 and 19, are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,535,011 to Yamagami et al. (hereinafter Yamagami).

10. With regards to claim 1, Yamagami teaches a file compression method comprising:

receiving a file from a processor [fig 1 element 112] by a video capture device [figs 1 and 2, element 111 integrated with element 100, see column 4 lines 35-38, column 7 lines 30-46, column 13 lines 13-35];

compressing said file into a compressed file by said video capture device [column 13 lines 13-35]; and

outputting the compressed file by said video capture device to said processor [column 13 lines 13-35].

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11. With regards to claim 2, Yamagami teaches the method of claim 1 wherein said file is a multimedia file [column 13 lines 13-35, column 15 lines 35-55].

12. With regards to claim 3, Yamagami teaches the method of claim 1 wherein said file is a video file [column 13 lines 13-35, column 15 lines 35-55, column 17 lines 11-14].

13. With regards to claim 4, Yamagami teaches the method of claim 1 wherein said file is in a digital video format [column 13 lines 13-35, column 15 lines 35-55, column 17 lines 11-14].

14. With regards to claim 5, Yamagami teaches the method of claim 1 wherein said file is compressed [column 13 lines 13-35].

15. With regards to claim 6, Yamagami teaches the method of claim 5 wherein said compressed file is in a digital video format [column 13 lines 13-35, column 15 lines 35-55, column 17 lines 11-14].

16. With regards to claim 10, the method of claim 1 wherein said compressed file is in a Digital Versatile Disk compatible format [column 13 lines 13-35, column 15 lines 35-55, column 17 lines 11-14].

17. With regards to claim 11, Yamagami teaches the method of claim 1 further comprising:
publishing said compressed file using said processor device [column 17 lines 67].

18. With regards to claim 13, Yamagami teaches a file compression device comprising:
a compression encoder [fig 6 element 608 or element 202] comprising:
means for receiving a digital data stream [fig 6 elements 201 and 207]; and
means for converting said digital data stream into a compressed data stream [fig 6 element 608 or element 202]; and
a controller [fig 6 element 207 or element 201] comprising:

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means for receiving a high speed input stream of a digital file from a processor device [fig 6 "output to personal computer" bus connected to element 207 or "output to camera" bus connected to element 201];

means for inputting said input stream into said compression encoder for compression [fig 6 element 207 and 201], and

means for receiving compressed files from said compression encoder for output, as an output stream to said processor [fig 6 element 207 element 201 connected over buses to elements 608 and 202].

19. With regards to claim 19, Yamagami teaches a system comprising:

a video capture device [fig 5 and fig 6] comprising:

an analog-to-digital converter [fig 5 element 10];

a multimedia compression encoder [fig 6 element 608 or element 202]

comprising:

means for receiving a digital data stream [fig 6 elements 201 and 207];

and

means for converting said digital data stream into a compressed multimedia data stream [fig 6 element 608 or element 202]; and

an internal bus for carrying said digital data stream from said analog-to-digital converter to said encoder [fig 6 "output to camera" bus connected to element 201], and

a controller comprising [fig 6 element 207]:

means for receiving a high speed input stream of a digital multimedia file from a processor [fig 6 "output to personal computer" bus connected to element 207];

means for inputting said input stream into said internal bus for compression by said encoder [fig 6 element 207 and 201];

means for receiving compressed multimedia files from said multimedia compression encoder [fig 6 element 207 connected over buses to elements 608 and 202]; and

means for outputting said compressed multimedia file as an output stream to said processor [fig 6 "output to personal computer" bus connected to element 207].

20. With regards to claim 16, the device of claim 13 wherein said high speed input stream is an uncompressed digital multimedia data stream [column 13 lines 13-35, column 15 lines 35-55, column 17 lines 11-14].

21. With regards to claim 17, it is of the same scope as claim 6 above and thus rejected under the same rationale. Furthermore, digital video format is inherent as being compatible for use on a Digital versatile disk. The intended use of the digital video format being compatible with a DVD is not necessarily limiting.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7-9, 12, 14, 15, 18 and 20-22, is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,535,011 to Yamagami et al. (hereinafter Yamagami). In view of US Patent Application Publication No. US 20030156649 A1 to Abrams, JR. (hereinafter Abrams).

22. With regards to claims 7 and 8, Yamagami fails to teach the method of claim 1 wherein said receiving and said outputting are carried out concurrently. However, Abrams teaches

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receiving and outputting of data being carried out concurrently via a serial connection for the benefit of maximizing the bus throughput [paragraphs 63, 120, 121].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Yamagami and Abrams to receive and output concurrently via a serial connection for the benefit of maximizing bus throughput.

23. With regards to claim 9, Yamagami fails to teach the method of claim 1 wherein said compressed file is in a Moving Pictures Experts Group format. However, Abram teaches compression of data using the Moving Pictures Experts Group format for the benefit of being able to store the data on a dvd to facilitate playback of the data on a DVD player. [paragraphs 4, 8, 57, 107] and also for the benefit of being able to provide video over low bandwidth networks [paragraphs 4 and 79].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Yamagami and Abram have the compressed file be in a Moving Pictures Experts Group format for the benefit of being able to store the data on a dvd to facilitate playback of the data on a DVD player, and to be able to provide video over low bandwidth networks

24. With regards to claim 12, Yamagami fails to teach the method of claim 11 wherein said publishing comprises copying said compressed file to a Digital Versatile Disk. However, Abrams teaches receiving encoded/compressed digital video data in a computer and recording/storing said encoded/compressed digital video data in a Digital Versatile Disk (DVD) for the benefit of being able to facilitate playback of the data on a DVD player. [paragraphs 8, 57, 107].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Yamagami and Abrams to have the publishing comprise

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copying said compressed file to a Digital Versatile Disk for the benefit of being able to facilitate playback of the data on a DVD player.

25. With regards to claim 14 and 21, Abrams teaches the device of claim 13 wherein said controller further comprises:

means for deserializing said input stream; and

means for serializing said output stream for the same reasons as those set forth above under claim 8 above [paragraphs 63, 120, 121].

26. With regards to claim 15, it is of the same scope as claim 8 above and thus rejected under the same rationale.

27. With regards to claim 18, the device of claim 17 it is of the same scope as claims 9 and 12 above and thus rejected under the same rationale.

28. With regards to claim 20, it is of the same scope as claim 8 above and thus rejected under the same rationale.

29. With regards to claim 22, it is of the same scope as claims 9 and 12 above and thus rejected under the same rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Martinez whose telephone number is (571) 272-4152. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEM

Mano Padmanabhan
10/30/05

MANO PADMANABHAN
SUPERVISORY PATENT EXAMINER